



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,776	10/05/2001	Valter Orlandini	00-AG-036/GC	4613
23334	7590	10/05/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			KIM, KEVIN	
		ART UNIT		PAPER NUMBER
		2638		
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/972,776	ORLANDINI, VALTER	
	Examiner Kevin Y. Kim	Art Unit 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 12 September 2005 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

Applicant requests to amend the claims such that the originally-filed term "MLT3" recited in the claims would be expanded to "Multi-Level 3" instead of to "Multi-Level Tone 3" as amended by the Examiner's amendment of June 16, 2005. However, applicant fails to establish that the originally-filed specification supports the proposed amendment. Since "Multi-Level 3" appears to include types of signals beyond the Multi-level Tone 3 that is instantly recognizable as represented by "MLT3", the proposed amendment would introduce new matter. In other words, without providing evidence that "Multi-Level 3" and "Multi-Level Tone 3" are equivalent and interchangeable in the art, the proposed amendment would impermissibly broaden the scope of the presently claimed invention beyond the original disclosure. Therefore, the proposed amendment is disapproved and not entered.

Chieh M. Fan
CHIEH M. FAN
PRIMARY EXAMINER